

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201801854	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 02/09/2018 9:15 PM	Location of Incident: Beverley Road between Veronica Place and Lott Street	Precinct: 67	18 Mo. SOL 8/9/2019	EO SOL 8/9/2019	
Date/Time CV Reported Thu, 03/08/2018 4:06 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 03/08/2018 4:06 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. Officers			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Peter Mombrun	5163	953126	NARCBBS
2. POM Flagumy Valcourt	06178	954389	067 PCT
3. DT3 Jeanyvens Morand	03999	939072	070 DET

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Abuse: An officer frisked § 87(2)(b)	
E. Officers	Abuse: Officers questioned § 87(2)(b)	

### Summary of Complaint

On March 8, 2018, § 87(2)(b) filed this complaint with the CCRB in person as a reporting non-witness on behalf of her § 87(2)(b)-old son, § 87(2)(b).

On February 9, 2018, at approximately 9:15 p.m., officers allegedly stopped § 87(2)(b) on Veronica Place between Beverley Road and Cortelyou Road in Brooklyn (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) ran to Beverley Road between Veronica Place and Lott Street, where an officer allegedly threatened to shoot him (**Allegation B: Abuse of Authority**, § 87(2)(g)). An officer allegedly tackled § 87(2)(b) to the ground (**Allegation C: Force**, § 87(2)(g)) and then allegedly frisked § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g)). Officers allegedly questioned § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain any video footage regarding this incident.

### Findings and Recommendations

**Allegation A—Abuse of Authority: Officers stopped** § 87(2)(b)

**Allegation B—Abuse of Authority: An officer threatened** § 87(2)(b) **with the use of force.**

**Allegation C—Force: An officer used physical force against** § 87(2)(b)

**Allegation D—Abuse of Authority: An officer frisked** § 87(2)(b)

**Allegation E—Abuse of Authority: Officers questioned** § 87(2)(b)

§ 87(2)(b) recounted that he was walking home from church alone on Veronica Place between Beverley Road and Cortelyou Road in Brooklyn when he saw a black Chevy automobile (BR02). § 87(2)(b) could not remember the model of the Chevy. The car followed § 87(2)(b) southward halfway down the block before it stopped near § 87(2)(b). A white male officer dressed in plainclothes sitting on the passenger side said, “Hey. What’s up?” As soon as the white male officer spoke, § 87(2)(b) ran northward on Veronica Place because he thought the officer, who at this point he believed was a civilian, was about to mug him because § 87(2)(b) had recently been mugged. The car followed § 87(2)(b) who reached the intersection of Veronica Place and Beverley Road and then ran westward on Beverley Road. While § 87(2)(b) ran on Beverley Road between Veronica Place and Lott Street, he heard a male voice on a public-announcement system say, “Stop, or we’ll shoot.” § 87(2)(b) did not know who among the occupants of the car said this. § 87(2)(b) stopped running, put his hands up, and said, “Don’t shoot.” The white male officer got out of the car, ran towards § 87(2)(b) and said something like, “Are you kidding me?” Although § 87(2)(b) did not move, the white male officer took hold of § 87(2)(b) arms and tackled § 87(2)(b) to the ground. As soon as § 87(2)(b) reached the ground, the white male officer patted him down on his chest, torso, and pants. After this, the white male officer helped § 87(2)(b) up and asked him if he had a gun on him or if he threw it away. § 87(2)(b) denied having a gun.

Three other officers, all of whom were dressed in plainclothes, got out of the car: a black officer and two other officers § 87(2)(b) could not describe beyond that they were male. The white male officer asked § 87(2)(b) many questions, including why § 87(2)(b) ran, whether he had a criminal record, details about the incident in which § 87(2)(b) was mugged, the location of the church § 87(2)(b) came from, and where § 87(2)(b) lived. The black officer also asked § 87(2)(b) if he had a criminal record. § 87(2)(b) answered the officers’

questions. The officers then allowed § 87(2)(b) to return home. § 87(2)(b) did not learn any officer's name, shield number, or command, nor did he learn the police vehicle number or license plate number.

Warrant audit checks requested from IAB and New York State Troopers both returned negative results for § 87(2)(b) (BR03-04). A request for UF250s prepared in the 67<sup>th</sup> Precinct for the incident date returned negative results (BR05). Event documentation and the Resource Recap Log for the 67<sup>th</sup> Precinct revealed no jobs clearly related to the incident (BR06-07).

The Daily Vehicle Assignment Sheet from the 67<sup>th</sup> Precinct, which was the precinct of occurrence, revealed that five unmarked vehicles were in use (BR08). A request to in-house IAB revealed that two of these vehicles were black Chevy Impalas: Vehicle #0360, assigned to the Queens North Grand Larceny Unit, and Vehicle #9974, assigned to the 67<sup>th</sup> Precinct. (BR09). The vehicle utilization log provided by Queens North Grand Larceny Unit indicated that the vehicle was not in use on the incident date. (BR10). In response to a request for the vehicle utilization log for both Vehicle #0360 and Vehicle #9974, the 67<sup>th</sup> Precinct noted that the vehicles in question were not in use at the time of the incident. (BR12).

The 67<sup>th</sup> Precinct listed four officers assigned to the Anti-Crime team at the time of the incident (BR13). The memo books for these officers contained no entries pertaining to the incident (BR14). PO Valcourt was the only black male officer among the Anti-Crime officers, the rest of whom were white men.

PO Valcourt had no recollection of the incident (BR15). PO Valcourt identified one additional Anti-Crime officer working at the time of the incident, which a CTS Officer Identification search revealed was a Hispanic male. PO Valcourt did not have any independent recollection of his activities at the specific incident time, but testified that on the incident date he patrolled a NYCHA housing complex about one mile away from the incident location.

An AVL search requested from the 67<sup>th</sup> Precinct revealed that there were two unmarked vehicles in the vicinity of the incident location around the incident time: Vehicle #9974 (as discussed above) and Vehicle #0732, which was assigned to the 70<sup>th</sup> Precinct Detective Squad (BR16). A request to in-house IAB revealed that Vehicle #0732 was a black marked Ford Next Gen Police Interceptor (BR17).

The 70<sup>th</sup> Precinct Detective Squad roll call revealed three male detectives worked on the incident date: Det. Nieh, Det. Morand, and Det. Jeanpierre (BR18). Det. Nieh is Hispanic, and Det. Morand and Det. Jeanpierre are black. Det. Nieh testified that he went to court on the incident date and finished his tour before the incident time (BR19). Det. Morand had no recollection of the incident and testified that at the incident time, he was working alone out of Vehicle #0732, approximately half a mile from the incident location, investigating a robbery with a mother and son (BR20). Det. Jeanpierre's memo book indicated that he finished his tour before the incident time (BR21).

The Narcotics Borough Brooklyn South roll call and the movement log indicated that three male officers worked together in the same vehicle beginning at 3:20 p.m.: PO Machulskiy, PO Schulman, and Det. Mombrun (BR26). The movement log further indicated that PO Machulskiy and Det. Mombrun returned together at 10:40 p.m., while PO Schulman returned with another officer at 8 p.m. PO Machulskiy and PO Schulman are white, and Det. Mombrun is black. Det. Mombrun testified that he had no recollection of the incident and that at the time of the incident he was transporting a civilian to Brooklyn Central Booking along with PO Machulskiy (BR27).

A request made to the Narcotics Borough Brooklyn South module for any and all TRIs prepared for the incident was not fulfilled by the command.

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been party (BR25; BR11).

### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- As of November 9, 2018, the NYC Office of the Comptroller had no record of a Notice of Claim being filed regarding this complaint (BR23).
- A BADS search revealed that § 87(2)(b) has no prior arrests, and therefore no criminal convictions, in New York City (BR24).

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Squad No.: 5

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date